



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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October 9, 2002

TO: Washington State Board of Health Members

FROM: Carl Osaki, Member

RE: **PROPOSED CHANGES TO WAC 246-217-025—ISSUANCE OF FOOD WORKER CARDS—FEES**

Summary

RCW 69.06.020 directs the Board to review periodically the costs associated with the food worker permit program and set a fee for food worker cards that:

- Reflects actual costs of food worker training and education, administration of the program, and testing of applicants
- Is uniform throughout the state
- Does not prohibit low-income persons from obtaining a permit.

That fee is established by rule in WAC 246-217-025.

Food worker training is an essential public health function. Local health jurisdictions depend on the fees to fund food worker training programs. Increasing the fee from \$8 to \$10, as proposed in the CR-102 (attached), would:

- Reflect actual costs of food worker training programs for about 80 percent of the local health jurisdictions
- Be less of a burden to workers in 2003 than the \$8 fee was in 1992, due to inflation and the minimum wage increase since 1992

Today the Board is scheduled to hold a public hearing on the proposed rule.

Recommended Board Action

I recommend the Board consider the following motion:

The Board adopts the change to Chapter 246-217-025 WAC as proposed in the CR-102 (WSR 99-23-087) that increases the food worker card fee to \$10.

Background

In November 1999, the Board gave formal public notice of its intention to consider raising the fee for food worker cards. The Board heard from several local health jurisdictions that the current fee of \$8 per card, set by the Board in 1991, did not reflect the actual cost of food worker training, testing, and administration. RCW 69.06.020 directs the Board to set a fee for food worker cards that reflects actual costs, is uniform throughout the state, and is affordable to low-income persons.

In January 2000, the Board revised WAC 246-217, adding an extra 30 minutes of interactive training to the standard training required to obtain a food worker card. The statewide Local Health Jurisdiction Environmental Health Directors' Food Committee conducted a May 2001 survey of costs associated with issuing food worker cards (attached). The survey, with 22 of 24 LHJs responding, indicates that some of the larger LHJs may be able to recover their costs with the \$8 fee; however the majority of small and medium LHJs report costs ranging from \$9 to \$12 per card. The survey did not determine what portion of the training cost if any was due to enhanced training requirements.

Along with obtaining input from the local health jurisdictions on food worker card fees, the Board staff contacted the Washington Restaurant Association, the Washington Food Industry, and Adult Family Home Sponsors for their perspectives on a possible fee increase. The Washington Restaurant Association opposes a fee increase because of the hardship it might cause to food workers and because of the association's ability to train King County food workers within the present fee of \$8 (see attached e-mail from Gene Vosberg).

It was the opinion of the Board's counsel that the food worker card fee is a state fee for purposes of Initiative Measure 601 and RCW 43.135 and therefore cannot be increased by more than the fiscal growth factor unless the Legislature grants an exemption to 601 or approves the new fee amount. The Board received an exemption from the I-601 restriction during the 2002 Legislative session to raise the food worker card fee.

After considering stakeholder input and the impact of the fee increase on the local health jurisdictions issuing the card and the food workers receiving the cards, the Department of Health recommended that the Board increase the food worker fee to \$10. This fee increase would:

- Reflect actual costs of food worker training programs for about 80 percent of the local health jurisdictions
- Be less of burden to workers in 2003 than the \$8 fee was in 1992, due to inflation and the minimum wage increase since 1992

In August I approved publication, in the form of a CR-102, of a proposed rule that would raise the fee for food worker cards to \$10. Today's agenda item is the official public hearing on the proposed rule.

Public testimony received:

Gene Vosberg, President and CEO of the Washington Restaurant Association, states that the WRA does not want the food worker card fee to increase (please see attached e-mail from Gene Vosberg).

Attachments